

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Toyota of Greenville, Inc.,	)	C.A. No. 6:11-1376-HMH
	)	
Plaintiff,	)	
	)	
vs.	)	<b>OPINION &amp; ORDER</b>
	)	
David Carroll and all South Carolina	)	
Car purchasers he purports to represent,	)	
	)	
Defendants.	)	
	)	

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This matter is before the court on the Plaintiff's amended consent motion to dismiss this action pursuant to Rule 41 of the Federal Rules of Civil Procedure. The parties to the above captioned action have agreed to the voluntary dismissal of the above captioned matter.

Therefore, upon motion of Laura W. H. Teer, attorney for the Plaintiff, with the consent of W. Jonathan Harling, attorney for the Defendants, it is hereby

**ORDERED** that the Plaintiff's amended consent motion to dismiss, docket number 10, is granted. It is further

**ORDERED** that this matter is dismissed with prejudice. The parties have agreed to voluntarily dismiss this action and Toyota of Greenville, Inc., agrees not to refile this action in federal court or to file any action related to arbitration in state court independent of Herron, et al. v. Dick Dyer, et al., Case No. 2006-CP-02-1230, currently pending in the Aiken County Court of Common Pleas, South Carolina. It is further agreed that this dismissal is neither a waiver of any right that Plaintiff may have to bring a similar motion in state court in the matter of Herron,

et al. v. Dick Dyer, et al., Case No. 2006-CP-02-1230, nor a waiver of any right of David Carroll and all South Carolina Car Purchasers he purports to represent to defend any such motion.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
Senior United States District Judge

Greenville, South Carolina

June 30, 2011